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HUMAN
RIGHTS
EDUCATION

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Human Rights Education

From the Editors

WITH THE ADOPTION of the U.N. Universal Declaration of Human Rights in 1948, and related covenants in the succeeding decades, member states made a commitment to fundamental human rights for every man, woman and child on the planet.

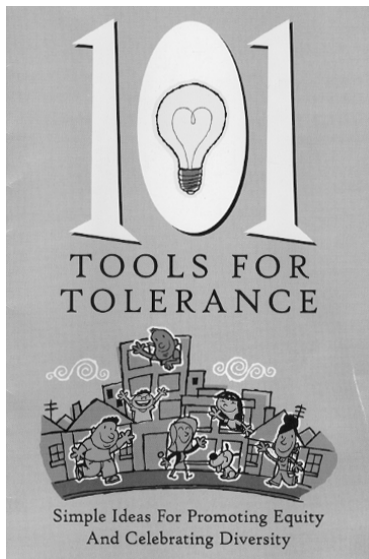
But the drive to translate that ideal into reality for the world has been a much more difficult task requiring action on a large number of fronts involving committed governments, international and regional agencies, and nongovernmental organizations. One of the most important components of the effort is human rights education (HRE).

This journal explores some of the issues and problems in mounting effective HRE programs, acknowledging that we live in a diverse world with great differences among societies in terms of history, culture and ideology. It is also important to note that HRE must be tailored to the needs of different groups within those societies.

An HRE program designed for schoolchildren, for example, would be radically different in design than one prepared for police officers or government officials. Likewise, HRE in the developed world requires a different approach from that taken in developing nations where citizens and governments may face daily pressure on resources.

Conscious of these constraints, Felisa Tibbitts, director of Human Rights Education Associates (HREA), and a leading expert on emerging models for HRE, discusses how it can be made more effective by examining three operating human rights models in detail. Significantly, she frames her argument in terms of how HRE can contribute to positive social transformation and greater personal empowerment.

Just about every expert in the field stresses that HRE cannot be taught in a vacuum but must be deeply grounded in the social, economic and political realities of a society. This is especially true in countries like South Africa where many people face a daily struggle for



Courtesy Southern Poverty Law Center

survival. Michelle Parlevliet, who works at the Center for Conflict Resolution in Cape Town, and Bheki Gumede, who is a leader of Democracy For All in Durban, gave interviews to Contributing editor David Pitts. They discuss the problems and complexities of HRE in the developing world in general and South Africa in particular.

The United States is clearly not a developing nation, but it is a huge country geographically—a melting pot of cultures, races and religions. Partially for this reason, HRE in the U.S. is decentralized. A large number of nongovernmental organizations, as well as local authorities, are involved in the production and dissemination of HRE curricula. As Nancy Flowers, a human rights educator and activist, details in this article, the array of curricular materials and programs is astonishing, but nonetheless geared to one goal—strengthening the country’s human rights culture.

Contributing editor David Pitts expands on Ms. Flowers’ contribution with an article specifically focused on two organizations that, among their many other missions, design HRE curricula for U.S. schools—the Southern Poverty Law Center based in Atlanta, Georgia, which takes a narrower view of HRE linked to tolerance promotion, and the Center for Civic Education, headquartered in Los Angeles, California, which takes a broader view of HRE, as a subset of civic education.

In our concluding article, Michael Hartmann, an international prosecutor with the United Nations in Kosovo, looks at the pragmatic challenges involved in human rights training—addressing such topics as the “do’s and don’ts” of training relevant to the target group, how to prepare human rights training programs, and basic assumptions about audiences that should or should not be made. His article emphasizes HRE in relation to the criminal justice system—detention, arrest, judicial investigation and trial.

The journal concludes with a variety of reference resources—books, articles and Internet sites—affording additional insights on human rights education.

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Emerging Models for Human Rights Education

by Felisa Tibbitts

In this adaptation of an article prepared for the International Review of Education, (Special Human Rights Education edition, 2002), Felisa Tibbitts, director of Human Rights Education Associates (HREA) looks at how we can enhance the effectiveness of human rights education (HRE). She presents three operating models for human rights education: the Values and Awareness Model, Accountability Model and Transformational Model. Each of these models is analyzed according to their target groups, goals for learners and intended contribution to social change. Ms. Tibbitts concludes by outlining ways in which the field can be further developed, professionalized and recognized.

OVER THE LAST 12 years, the term “human rights education” (HRE) has slipped into the language of ministries of education, educational nonprofits, human rights organizations and teachers—not to mention intergovernmental agencies such as the United Nations and regional agencies such as the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS) and the Association of Southeast Asian Nations (ASEAN).

Nancy Flowers, in *The Human Rights Education Handbook*, defines HRE as “all learning that develops the knowledge, skills and values of human rights.” Human rights education involves the learner’s valuing and understanding of these principles, which are typically “problematized” for that particular society. At the national levels we can observe quite different approaches to the use of HRE in addressing widespread human rights and development challenges. In developing countries, for instance, HRE is often linked with economic and community development, and women’s rights.



Felisa Tibbitts

In post-totalitarian or authoritarian countries, human rights education is commonly associated with the development of civil society and the infrastructures related to the rule of law and protection of individual and minority rights. In older democracies, it is often conjoined favorably with the national power structure but geared towards reform in specific areas, such as penal reform, economic rights and refugee issues. Human rights education also seems to be playing a specialized role in post-conflict societies.

These examples focus on human rights problems and issues at the community level. Human rights education involves a combination of looking within and looking without. Human rights learning is necessarily focused on the individual—the knowledge, values and skills that pertain to the application of the human rights value system in interpersonal relationships with family and community members. Nancy Flowers and others talk about some of these “human development” skills that recognize one’s own biases, accept differences, take responsibility for defending the rights of others,

as well as mediation and conflict resolution in *The Human Rights Education Handbook*. Yet those organizing human rights education programming must take into account the social, cultural, political and economic contexts for their work, and the potential such education will have for social transformation.

In fact, education has a complex and demanding role to play in upholding human rights, supporting human development and promoting civil society. In order for human rights education—and human rights thinking—to be a lasting contribution to human rights cultures in our respective countries, we need to truly understand the distinct models of human rights education that are found in practice, and to clarify their link with social change strategies.

The focus of this article originates from the current proliferation of human rights education programming and the sense that educators and advocates of human rights—those leading training sessions, developing materials and designing programs—could benefit by revisiting the question of how education and training strategies can contribute to social transformation. HRE is ultimately about action for building human rights cultures in our own communities, and programming must be evaluated on its ability to contribute to this general goal.

Human Rights Education and Advocacy

Because most societies struggle to better embody human rights principles, education about human rights implies education leading towards advocacy. But this idea is quite general.

In terms of engendering social change, HRE would need to be strategically designed to reach and support individuals and groups that

can work towards these goals. For example, with specific target groups, HRE would be related to the following social change framework:

Fostering and enhancing leadership. In order to bring about social change, it is necessary to have a committed group who have not only a vision but are politically aware. These leaders will need skills for developing specific objectives and effective strategies for the political and cultural environment in which they reside.

Coalition and alliance development. Education can be a tool for preparing individuals for their leadership responsibilities. Coalition and alliance development helps human rights activists to recognize how their mutual efforts can be successful in achieving social change goals.

Personal empowerment. The personal empowerment goal aims first at healing, then the development of community and then, social transformation. These dual and interrelated goals of personal empowerment and social change identify human rights education as unique when compared to other traditional educational programs, such as those outlined in “Strategizing for a Human Rights Movement in the U.S,” coauthored with Lyn B. Neylon in *Evaluation of Human Rights USA*.

This diverse social change framework is potentially complex, but the language of describing human rights education is general. We know that HRE program content minimally addresses the Universal Declaration of Human Rights (UDHR), other related key human rights documents, and monitoring and accountability systems. An important point is that although human rights education has moved beyond simply spreading information about human rights

law, these instruments (and related mechanisms of protection) remain central to any program. Without reference to these mechanisms or instructions about their use, human rights education has trouble distinguishing itself from other fields such as peace education or global education.

HRE programming also involves an interactive educational approach. The language of HRE speaks of being relevant to daily life and to employing methodologies that engage participants in attitudinal skill as well as knowledge development. The participatory approach is viewed as motivating, humanizing and ultimately practical, since this form of learning is linked more strongly with attitudinal or behavioral change than with a pure lecturing approach.

Emerging Models of HRE

Models represent an idealized framework for understanding contemporary human rights education practice. The rationales for each model are linked implicitly with particular target groups and a strategy for social change and human development. Because of the abstract nature of the models below, they are necessarily lacking in detail and depth. For example, there is no distinction between formal, nonformal and informal educational approaches. The point of presenting these models, however, is to begin to classify the kinds of HRE practices that we find in the field, to revisit their internal program logic and to clarify their external link with social transformation.

The discrete human rights education models presented here can be compiled into an adapted version of the “learning pyramid.” At the large base, we would find the “values

and awareness models,” in the middle, the “accountability model,” and at the narrow top, the “transformational model.”

The placement of these HRE models in these positions reflects not only the size of the target populations with which they each deal (from educating the general public all the way up to creating new advocates) but also the degree of difficulty for each of the educational programs. Mass public education programs are about dissemination of programming, whereas the creation and capacity-building of activists require more complex and reciprocal longer-term commitments from all involved. All the levels are mutually reinforcing, but certain models are obviously more essential to promoting social change—depending upon the status of a human rights movement within a particular community. A social reform program needs strong leadership that is focused on institutional and legal reform. However, a movement also needs grass-roots support, where the focus is on the individual and community supports.

In designing their programming, therefore, human rights educators need to take into account both need and opportunity. The educator may decide to implement a program solely based on their personal values, experiences, resources and position in society. However, the educator might also consider how the educational program he or she is planning to implement relates to the HRE models introduced in this article, and how likely the program will support a movement towards a more fully realized human rights culture in the particular community or society.

Model I—Values and Awareness

In the “values and awareness model,” the main focus of human rights education is to transmit basic knowledge of human rights issues and to foster its integration into public values. Public education awareness campaigns and school-based curriculum typically fall within this realm. It is not unusual for school curricula that include human rights to link up with fundamental democratic values and practice.

The goal is to pave the way for a world that respects human rights through an awareness of and commitment to the normative goals laid out in the Universal Declaration and other key documents. Human rights topics that would apply to this model include a history of human rights, information about key human rights instruments and mechanisms of protection, and international human rights concerns (e.g., child labor, trafficking and genocide). The key pedagogical strategy is engagement: to attract the interest of the participant. These methods can be quite creative (for example, when using media campaigns or popular streetside education) but can also devolve into a lecture-oriented approach. However, this model places relatively little emphasis on the development of skills, such as those related to communication, conflict resolution and activism.

The implicit strategy is that mass support for human rights will continue to bear pressure upon authorities to protect human rights. This approach typically also fosters critical thinking and the ability to apply a human rights framework when analyzing policy issues. Thus, students are made to be “critical consumers” of human rights.

It is unclear if the knowledge and awareness approach does build to a “critical human rights consciousness” although this would presumably be a goal of such a program. Critical human rights consciousness might have the following criteria, as outlined in Garth Meintjes’ article “Human Rights Education as Empowerment: Reflections on Pedagogy” in *Human Rights Education for the Twenty-First Century*:

- The ability of students to recognize the human rights dimensions of, and their relationship to, a given conflict- or problem-oriented exercise;
- An expression of awareness and concern about their role in the protection or promotion of these rights;
- A critical evaluation of the potential responses that may be offered;
- An attempt to identify or create new responses;
- A judgment or decision about which choice is most appropriate; and
- An expression of confidence and a recognition of responsibility and influence in both the decision and its impact.

Some examples of the values and awareness model include human rights-related lessons within citizenship, history, social science and law-related education classes in schools, and infusion of human rights-related themes into both formal and informal youth programming (e.g., the arts, Human Rights Day, debate clubs). Public awareness campaigns involving public art and advertising, media coverage and community events may also be classified under this model.

Model 2—Accountability

Under the “accountability model,” participants are already expected to be directly or indirectly associated with the guarantee of human rights through their professional roles. In this group, HRE focuses on the ways in which professional responsibilities involve either directly monitoring human rights violations and advocating with the necessary authorities or taking special care to protect the rights of people (especially vulnerable populations) for whom they have some responsibility.

Within this model, the assumption of all educational programming is that participants will be directly involved in the protection of individual and group rights. The threat of the violation of rights, therefore, is seen as inherent to their work. For advocates, the challenge is to understand human rights law, mechanisms of protection, and lobbying and advocacy skills. For other professional groups, educational programs sensitize them about the nature of human rights violations and potentials within their professional role, not only to prevent abuses but to promote respect for human dignity. Human rights training and topics are geared towards these specialized areas, and outcomes are geared towards content as well as skill-development.

Examples of programs falling under the accountability model are the training of human rights and community activists on techniques for monitoring and documenting human rights abuses and procedures for registering grievances with appropriate national and international bodies. Also falling within this classification are pre-service and in-service trainings for lawyers, prosecutors, judges, police officers and the military, which may include information

about relevant constitutional and international law, professional codes of conduct, supervisory and grievance mechanisms, and consequences of violations. Professional groups, such as health and social service workers, journalists and other members of the media, are the recipients of HRE programming aimed at accountability.

Within the accountability model, personal change is not an explicit goal, since it assumes that professional responsibility is sufficient for the individual having an interest in applying a human rights framework. The model does, however, have the goal of structurally based and legally guaranteed norms and practices related to human rights. It is a given within this model, that social change is necessary, and that community-based, national and regional targets for reform can be identified.

Model 3—Transformational

In the “transformational model,” HRE programming is geared towards empowering the individual to both recognize human rights abuses and to commit to their prevention. In some cases, whole communities—not just the individual—are treated as the target audience. This model involves techniques (based partly on developmental psychology) that involve self-reflection and support within the community. A formal focus on human rights is only one component of this model, however. The complete program may also include leadership development, conflict resolution training, vocational training, work and informal fellowship.

The transformational model assumes that students have had personal experiences that can be seen as human rights violations (the program may assist in this recognition) and that

they are therefore predisposed to become promoters of human rights. It treats individuals more holistically, but it is therefore more challenging in its design and application.

This model can be found in programs operating in refugee camps, in post-conflict societies, with victims of domestic abuse and with groups serving the poor. There are examples of “human rights communities,” where governing bodies, local groups and citizens “examine traditional beliefs, collective memory and aspirations as related to the Universal Declaration of Human Rights,” such as those supported by the People’s Decade for Human Rights Education, as part of the United Nations Decade for Human Rights Education, which was officially proclaimed from 1995 to 2004.

In some cases, this model can be found in school settings, where an in-depth case study on a human rights violation (such as the Holocaust and genocide) can serve as an effective catalyst for examining human rights violations. In some sophisticated programs, students are asked to consider the ways in which they and others have both been victims and perpetrators of human rights abuses, thus using psychological techniques to overcome the “we” versus “they” mentality and to increase a sense of personal responsibility. Graduates of such programs are positioned to recognize and protect their own rights and those of others they come in contact with.

Should schools choose to do so, the HRE curricula could address participation in family decision-making; respect for parents but rejection of family violence; and equality of parents within the home.

Strengthening the Human Rights Education Field

This article has focused on the elaboration of human rights education models as a tool for classifying educational programs, clarifying their target groups and requiring us to consider their link with the overall goal of human development and social change. Hopefully, these models will lend themselves to both reflective program design as well as to further work in the area of theory development and research.

There are other ways that human rights educators can take steps to further programming, however. If human rights education is to become a genuine field, then we are challenged to become more coherent (even among our diversity of models), to be unique (offering value and outcomes that other educational programs cannot) and to be able to replicate ourselves.

In order for human rights education to become more qualified as a field, there are several areas that we must begin to review, analyze and document.

1. We need detailed examples within the HRE field that illustrate the careful use of learning theory appropriate to the context of the program. For example, adult education programs should have designs (not just training agendas) that take into account the learning process of mature participants. School-based programs should be age- and developmentally appropriate. Programs designed for special populations, such as refugees or victims of abuse, should also reflect the necessary sensitivities.

2. Although the overall number of HRE trainings and courses have increased, there is as yet no clear objective standard for what constitutes a qualified human rights education trainer. At the moment, human rights education courses are led by those who have some kind of previous training experience. However, there is no national or international certificate to clarify and demonstrate the competencies of these educators; nor are there clear standards for study or practice. Training and curricular standards might further the status of HRE as a legitimate field, and also spark healthy conversation about learner goals and strategic change efforts.

3. The human rights education field needs evidence of having successfully achieved its goals, for all models. We need to learn which programs have been successful, and why. If the models proposed in this article have any credibility, they can be tested and clarified through program evaluation. These studies would evaluate the programs both on the basis of meeting goals in the areas of knowledge, values and skills (as appropriate) and also on the basis of contributing directly to advocacy and social change. Such research could not only enhance the quality of educational programming, but help to substantiate what is now primarily intuition about the importance of education within the human rights field.

Human rights education has the prospect of evolving into a full-fledged field—both within human rights and within education. In its current state, it is a collection of interesting and discrete programs. The idealized models presented here are important because they carry with them distinct strategies for helping to realize human rights cultures in our communities and countries. We can probably agree that we

would want all three models represented in each of our societies, since they complement each other in promoting a dynamic human rights infrastructure. However, as individual educators, we need to make wise choices about where to invest our energies, and to be proactive in creating these opportunities within our societies. Reflection on these models, may assist in this process.

We are at an exciting time of enhanced public awareness and interest in human rights. We must not lose our chance to help make human rights education a critical approach to examining and building our societies.

Human Rights Education in Diverse Developing Nations

A Case in Point: South Africa

by David Pitts

To be successful in diverse, developing nations, human rights education should ideally be linked to tolerance promotion, conflict resolution and problem solving, and be grounded in the reality of the local environment. This view, prevalent among human rights education experts, particularly applies to new democracies such as South Africa. Contributing editor David Pitts spoke in South Africa recently with Michelle Parlevliet and Bheki Gumede, two human rights education advocates, and details their views in the following article. Ms. Parlevliet works at the Center for Conflict Resolution in Cape Town and Mr. Gumede is a leader of Democracy For All in Durban.

TO BE SUCCESSFUL, human rights education (HRE) must be part of a total program embracing conflict resolution and tolerance promotion, especially in diverse nations such as South Africa, according to Michelle Parlevliet, an expert on human rights and conflict management at the Center for Conflict Resolution, one of South Africa's leading non-governmental organizations (NGOs). It is headquartered in Cape Town in Western Cape Province.

In the real world, Parlevliet says, "You can't just spell out human rights principles and hope people will adopt them. You have to relate them to local cultures and how they will help to bring about greater tolerance, equality and integrity among people of different backgrounds with different interests. Human rights and conflict resolution are connected," she adds. "In the short term, violent and destructive conflict can lead to human rights violations. In the long term, a sustained denial of human



Michelle Parlevliet

rights can lead to conflict. It is a direct relationship.”

How does this work in practice in the South African context? Parlevliet gives the example of foreign nationals living in a township outside of Cape Town who were recently driven out of their homes by longtime residents. “This is a perfect example of how human rights education and conflict resolution intersect,” she says. It isn’t just a question of educating people about their rights, but also taking active steps to resolve the conflict that led directly to the abuse of rights. HRE must not be approached in a vacuum, but with direct application to the local environment. Typically, in developing countries, there are very real problems and conflicting interests that lead to the abuse of rights, she notes.

Human rights education does not work in communities fraught with conflict unless it is part of a comprehensive approach, Parlevliet continues. “In fact, such education can be counterproductive and lead to greater conflict if people become aware of rights which are not realized. In this respect, human rights educa-

tion can increase the potential for conflict.” It is in this sense, she adds, that “human rights education and conflict resolution are connected,” noting that it is particularly significant in the townships, where there are many conflicts “relating to developmental issues.”

Parlevliet believes that “Through linking human rights education and conflict resolution, we can also work towards addressing structural causes of conflict and building relationships among parties.” She says “Experience with intrastate conflict in Africa indicates that both should be taken into account if we are to deal with conflict in an effective manner.” It also is important, she adds, to develop local empowerment—“to help local communities realize what they can do themselves to solve their own problems and realize their rights.”

Parlevliet has been conducting training workshops on human rights and conflict management throughout South Africa and in other African countries since shortly after joining the Conflict Resolution Center more than two years ago. She previously worked with the country’s Truth and Reconciliation Commission. Among the other programs offered by the Center are:

- The Mediation and Training Services Project, which acts as an independent, third-party mediator or facilitator at the request of parties in conflict. It operates mainly in the Western Cape and Free State provinces.

- The Senior Government Project, which conducts training for high-level government officials from all over Southern and Central Africa with a view to management of inter- and intrastate conflict.

- The Police Training Program, which trains police in South Africa, Zimbabwe and Namibia in the management of conflict, and multicultural



Bheki Gumede

and multilanguage diversity in the context of respect for human rights, and

- The Prisons Transformation Project, which trains wardens and prisoners in non-violent conflict resolution techniques.

The Center for Conflict Resolution was founded by the University of Cape Town in 1968 as an independent, nonprofit organization. Although it is based in the Western Cape, it works nationally and elsewhere on the continent, especially Southern and Central Africa, to fulfill its mission. Donors include the Ford Foundation, the MacArthur Foundation, a variety of major funding sources in Western Europe, and the U.S. Agency for International Development (USAID).

Democracy For All is a program that was introduced in 1994 by the Center for Socio-Legal Studies at the University of Natal, in the South African province of KwaZulu Natal. Bheki Gumede, the program's coordinator, agrees with Michelle Parlevliet that human rights education must be grounded in reality, particularly in the developing world. Demo-

cracy For All is one of the leading groups active in designing HRE curricula for South African public schools.

"It is now part of a national Democracy, Human Rights, and Legal Education program aimed at nurturing a culture of democracy and human rights in the country," says Gumede, an effort that is particularly important in a new democracy such as South Africa.

Democracy For All's role is threefold:

- To develop democracy and human rights learner and teacher materials in line with the new outcomes-based education system. This effort is currently underway—with materials for grade 7 already completed.

- To coordinate teacher-training programs in democracy and human rights education. This is taking place nationally with in-service teachers and pre-service education students.

- To participate with the standards-generating bodies in the development and registration of democracy and human rights education qualifications with the South African Qualifications Authority.

"The kind of practical effort that is necessary," says Gumede, "means you have to consider the backgrounds that many children bring to school." For example, "many children come to school hungry and face all kinds of problems at home and in their communities. Teachers often have to perform a variety of roles—including in many cases—that of substitute parent. The [human rights education] materials must take account of these everyday realities."

Gumede also says that, in his view, to be successful, human rights and democracy education materials should be designed to permeate the entire school curricula and "not be confined to a specific subject area." In addition to

its work for the schools, Democracy For All organizes workshops for the community in general “employing role play, mock trials and brainstorming” to exemplify concrete situations faced by citizens in the new democratic South Africa.”

The emphasis is on developing critical thinking, debating and reasoning skills, Gumede continues, in order to “promote citizen participation, democratic practice and commitment to human rights.” Typical of the kind of interactive materials that have been developed is the “Democracy Challenge Game,” which tests awareness of the South African Bill of Rights and Constitution. The introduction to the game encourages participants to “Take the challenge and find out how democratic you are.”

Democracy For All is an outgrowth of a popular program known as “Street Law,” which is a participatory education program about legal, political and human rights. In addition to its work developing human rights and democracy education curricula and community workshops, Democracy For All also publishes a monthly magazine, *Democracy Watch* that features articles on democracy, human rights education and citizen participation. Gumede, who joined Democracy For All as a volunteer in 1995, is most insistent in stressing that human rights education, indeed all education in the developing world, be grounded in the real environment in which students and their parents live.

The Center for Socio-Legal Studies at the University of Natal (Durban) in KwaZulu Natal Province is the national office for the Democracy For All program, which has coordinators at universities throughout South Africa. There are

currently seven other provincial Democracy For All offices in Eastern Cape, Western Cape, Free State, Gauteng, North West, Mpumalanga and the Northern Province. Democracy For All is primarily funded by USAID.

Human Rights Education in the USA

by Nancy Flowers

In the United States, human rights education is decentralized. A wide array of organizations are involved in the effort to educate citizens, producing an astonishing diversity of curriculum materials and programs. In the following article, Nancy Flowers, a human rights educator and activist, and co-founder of the organization Human Rights, USA, describes the American approach.

STOP ANYONE on the streets of any major city around the world and ask, “What are your human rights?” No matter what the age, location or social circumstances—chances are that few people will have a good idea. The sad fact is that most people remain functionally illiterate about human rights.

The public education system in every state in the U.S. requires that every high school graduate has a good understanding of their civil and constitutional rights. However, most people have only a vague notion of their human rights as reflected in the Universal Declaration of Human Rights (UDHR) adopted in 1948 by the United Nations, especially its guarantee of social and economic rights. Closing this gap in understanding is the focus of human rights education in the United States.

Already, 40 percent of the states include human rights in their state standards for education, according to research by Prof. Dennis N. Banks of the State University of New York at



Nancy Flowers

Oneonta. (<http://hrusa.org/hrmaterials/draftsurvey2001.htm>). In these standards, human rights is frequently linked with topics such as the Holocaust, slavery, genocide, citizenship, democratic values, peace and conflict resolution, and current issues. According to Professor Banks, “Human rights is entering the standard curriculum teacher by teacher. It’s not yet part of the national assessment network, but there is increasing recognition of the need for human rights education.”

Human Rights Education and Civil Society

Although human rights education (HRE) has yet to be actively promoted by state educational institutions, it is flourishing in civil society in the United States. Professional organizations like the National Council for the Social Studies and the major teachers’ unions have officially recognized its importance and feature presentations on human rights at their conferences and articles in their publications.

Major national organizations have incorporated human rights into their educational programs. For example, the American Bar Association’s publication *Update on Law-Related Education* has dedicated special issues to human rights. Street Law, Inc., which promotes citizen education in the law, has recently integrated human rights into all its work and published a major secondary school textbook, *Human Rights for All*.

Educational organizations that traditionally focused on tolerance and conflict resolution are also increasingly adding a human rights component to their work. For example, Facing History and Ourselves, a national educational and teaching organization, that strives to fight discrimination through an understanding of both the political and human factors that have informed world events like the Holocaust, now seeks to add a human rights perspective to its curriculum. The same is true for organizations that promote global studies, peace education and values education, as well as youth groups like the Girl Scouts, which now offers a service badge in human rights.

Organizations that educate on specialized subjects have also begun to produce human rights curriculum. For example, the Women’s Commission for Refugee Women and Children and the U.S. Committee for Refugees have both produced outstanding curriculum materials for schools. The Women of Color Resource Center of Berkeley, California, has developed Women’s Education in the Global Economy, a manual of learning activities, which addresses globalization in human rights terms. The Landmine Survivor’s Network is developing a curriculum on the human rights of disabled people.

Not all these efforts originate from national groups with large budgets and staff. There are

a growing number of grass-roots human rights education organizations that work in a single state or community, often with a volunteer staff. Typical of these are the Hawaii Institute of Human Rights, which offers an annual summer institute for teachers, and the Idaho Human Rights Center. Founded by lawyer-activist Les Bock in 1996, the Idaho Human Rights Center works collaboratively with the Idaho Department of Education and other state agencies to raise public awareness about human rights. Typical of their efforts was a recent presentation on the history of human rights in Idaho at the Idaho History Museum, which will be repeated for school classrooms.

The creativity and energy of these non-governmental organizations can be illustrated by the abundance and quality of their responses to the terrorist attacks in the U.S. on September 11, 2001. In a matter of weeks, the Education Program of Amnesty International USA had published *September 11th Crisis Response Guide*, a curriculum for middle and high school that addresses these issues from the perspective of both human rights and humanitarian law and offers ideas for taking responsible action. The Constitutional Rights Foundation has produced a series of challenging lessons raising questions that put events in a human rights context, like “Do We Need an International Criminal Court?” and “What is Terrorism?”

Many organizations like the American Forum for Global Education; Educators for Social Responsibility, Teaching for Change and the Education Development Center have offered resources for educators to confront discrimination and injustice against Arab-Americans, Muslims and other minorities. Other groups such as Global Source Education in Seattle, Washington, and the Bay Area Writing

Project in Berkeley, California, have quickly organized teacher workshops and seminars with a human rights emphasis.

Human Rights Education at the University Level

Most academically trained human rights activists have attended law schools, where they focused on international law. However, a variety of U.S. institutions offer higher degrees in human rights-related fields. For example, Columbia University’s Center for the Study of Human Rights has a degree program that combines the study of human rights with other disciplines such as education, public health, social work or international and public affairs. Similar comprehensive programs exist at many universities, including Notre Dame University, the University of Maryland and American University. Other universities offer specialized degree programs, such as the human rights program at the Harvard School of Public Health. Others such as the Orville H. Schell, Jr., Center for International Human Rights at Yale University and the Harvard Institute of Human Rights maintain research institutes for the study of human rights.

Just as traditional educational organizations have broadened their scope to include human rights, university human rights programs have expanded to address primary and secondary education. The University of Minnesota Human Rights Center has established a Human Rights Resource Center that serves as a national clearing house for human rights education materials. It works directly in schools with its Partners in Human Rights Education programs, and through its Human Rights Education Series has become a major publisher of

curriculum materials in the field. The University of Pennsylvania's Studies in Human Rights series has also published significant works in human rights education, including *Human Rights Education for the Twenty-first Century* (ed. Andreopoulos and Claude) and *Educating for Human Dignity* by Betty Reardon.

Human Rights Education in the Nonformal Sector

Human rights education efforts on the part of civil society are not limited to formal education. Indeed, some of the most effective human rights education in the United States addresses the informal sector, reaching out to youth and adults, especially those in marginalized groups. These groups share the goal of educating people about their human rights in order that they may claim, promote and defend them. For all human rights educators working in the nonformal sector, this link between learning and action is essential.

Among the most dynamic of these groups is the National Center for Human Rights Education (NCHRE) in Atlanta, Georgia, which strives to build a human rights movement in the U.S. by training community leaders and student activists to apply human rights standards to issues of injustice. NCHRE focuses on economic and social rights, especially educating community-based organizations related to the anti-poverty/welfare rights movement. Such diverse groups as the Georgia Citizens Coalition on Hunger; the Housing Discrimination Project of Holyoke, Massachusetts; the Border Rights Coalition of El Paso Texas; and the Native Americans for Human Rights of Fargo, North Dakota, have participated in courses on the basics of human rights, as well as advanced

strategy workshops that enable them to advocate for their rights. Inspired by NCHRE's training, activists working on a multitude of issues—combating racism, homophobia, poverty and discrimination against people with disabilities, promoting women's rights, protecting the environment, defending reproductive rights—now identify themselves as part of the global human rights movement. As founder and Executive Director, Loretta Ross, observes, “Like teaching slaves to read in 19th-century America, teaching human rights in 21st century America is a far-reaching act that offers a rich vision of human possibilities. Human rights education trains us in a new way of relating to each other—not through opposition—but through uniting us for the sake of our mutual destiny.”

The Women's Institute for Leadership Development (WILD) of San Francisco, California, also educates about human rights in order to address social issues in the United States, especially gender, race and other identity-based discrimination. For example, in 1997 WILD led a local education and advocacy campaign to get the city government of San Francisco to implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Starting with educating local activists, WILD held human rights trainings for a variety of organizations working for women and girls, and then organized a hearing before the San Francisco Board of Supervisors on discrimination against women and girls in the areas of health, violence and economic justice. As a result of this hearing, San Francisco passed an ordinance adopting CEDAW as city law. WILD also has an extensive youth program, which trains young women in human rights, advocacy and leadership skills.

Also using the human rights framework to promote the rights of women is the Women's Rights Network (WRN) of Boston, Massachusetts. WRN trains local activists working on issues of domestic violence and sexual abuse to strengthen their technical capacity to carry out human rights fact-finding, analysis and advocacy.

In many communities across the country, religious organizations also work to educate about human rights. To cite just a few examples:

- The World of Difference program developed by the Anti-Defamation League of B'nai B'rith is among the most used materials for building tolerance and respect for diversity.

- The Unitarian Universalist Service Committee has produced a widely used manual and training program on the rights of women: *Gender Justice: Women's Human Rights are Human Rights*, by Elizabeth Fisher and Linda Gray MacKay.

- The Catholic Conference of Ohio has produced a series of study guides for adults and secondary school students about the death penalty, a practice condemned by most major religious denominations.

- Soka University, a Buddhist-supported institution in California, holds regular conferences for the public on human rights topics.

Building a Culture of Human Rights

Human rights education in the United States is thriving through the diverse and creative efforts of civil society, including institutions of higher education, nongovernmental organizations, religious organizations and grass-roots activists. Whether through research in a university think tank or community education among the rural

poor, these efforts are united in seeking to build a culture of human rights in this country.

The task that lies ahead is to harness all these efforts and to ensure that an effective human rights education curriculum is in place in every public school in the nation so that future generations of Americans will be as knowledgeable about their human rights as they are about their civil and constitutional rights.

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Human Rights Education in U.S. Schools

by David Pitts

The tradition of local responsibility for public education in the United States stems from the Tenth Amendment to the Constitution: “The powers not relegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states.” Accordingly, federal law prescribes no standardized curriculum. In the following article, Contributing editor David Pitts, looks at two NGOs (nongovernmental organizations) that promote human rights education in the United States.

IN THE UNITED STATES, public education is mainly the responsibility of local school boards that, in many jurisdictions, are elected by the voters. Because of this decentralization, educational programs vary greatly from state to state and from district to district. Consequently, there is no national human rights education (HRE) curriculum in use nationwide in all schools. Many schools teach HRE in their social studies or civics classes as part of a locally originated program. But in recent decades, a number of nongovernmental organizations have developed curricula designed for use in all schools across the nation. The lesson plans are made available to school systems that choose to use them.

Some of the NGOs, such as the Center for Civic Education, based in Los Angeles, California, take a broad approach to the issue, essentially viewing HRE as a subset of a broader program of civic education, while others, such as the Southern Poverty Law Center, based in

Montgomery, Alabama, take a narrower approach—viewing HRE as essentially concerned with promoting tolerance.

At the Center for Civic Education, “we take a broad approach,” says associate director John Hale. “The point is that HRE can mean somewhat different things to different people,” he adds. “In the absence of total agreement on HRE, it seems reasonable to provide a broad and deep civic education that will allow students to think for themselves about human rights issues.”

Asked why a broad-based civic educational curriculum has a place in American schools, Hale says “schools bear a special and historic responsibility for the development of civic competence and civic responsibility.” This also is the view of the American public, as reflected in poll results, he adds. The importance of civic education also was stressed by the Founding Fathers, Hale notes. Thomas Jefferson, James Madison, John Adams and other Founders all emphasized that “even the most well-designed institutions are not sufficient to maintain a free society. Civic education, therefore, is essential to the preservation and improvement of American constitutional democracy.”

The core of the center’s program for schools is the Foundations of Democracy K-12, which was developed in the 1970s and revised and re-titled in the 1990s. Key elements include:

- We the People, The Citizen and the Constitution—an instructional program on the history and principles of American constitutional democracy.

- We the People, Project Citizen—a program designed to develop interest in policy-

making as well as the ability to participate in state and local government.

- Youth for Justice, a program that involves young people in solutions that lead to safe, disciplined, drug-free schools and communities.

Hale says evaluations of the programs indicate that in schools where they are offered, students are more tolerant, a primary goal of HRE. He also emphasizes that the center’s programs are not offered just to American schools. The center is active in countries around the world. It has used the experience gained in the United States to help educators in other countries design civil education curricula geared to particular conditions prevalent locally.

In fact, civic education may be more crucial in nascent democracies than it is in well-established democracies like the United States, Hale says. “Although democratic mechanisms are in place in many developing countries throughout the globe, those nations’ citizens by and large lack fundamental civic knowledge, skills and attitudes to participate thoughtfully in government.” He adds: “Educators from nations without a democratic culture often appreciate the experience and consultation of educators from nations that have deeply rooted democratic traditions.” He stresses, however, that civic education materials must be “home grown.”

In contrast to the Center for Civic Education, the Southern Poverty Law Center promotes a narrower concept of HRE focusing on promoting tolerance and combating hate. The materials the center has developed under its “Teaching Tolerance” program are offered free “to any schools that request them,” says its director, Jim Carnes. “We try to make them as flexible as possible so that the schools can use them in a

variety of ways,” he adds. “We realized the need for this kind of effort about 10 years ago.”

In 1990, research from the center’s Intelligence Project and from other sources began to document both rising levels of intolerance among youth and the significant involvement of young people in hate crimes, Carnes continues. The center realized it had to reach out to schools and communities interested in fostering understanding and respecting of differences, he adds.

Among the materials offered by the center are:

- *Teaching Tolerance Magazine*, a semi-annual publication that documents efforts to promote tolerance around the country. The magazines are available free upon request to individual teachers.

- Curriculum packages for distribution free to school principals across the United States and overseas. The efforts include: Ten Ways To Fight Hate; 101 Tools for Tolerance; and Learn More About Civil Rights.

The Teaching Tolerance website, <http://www.splcenter.org/teachingtolerance/tt-index.html>, launched in 2001, whose aim is to keep teachers and schools abreast of the latest anti-bias ideas available.

“About three years ago, we did an elaborate evaluation of our program,” says Carnes. “We did focus groups in two cities—Houston and Minneapolis—and compared results based on teachers who used our materials and those who did not. Although, it was not a completely controlled study, and the evaluation was difficult because our materials are used in a flexible way, it was determined that there was a positive effect. For example, there were several strong indicators of reduced conflict.” In addition to its

Teaching Tolerance program, the center also has a legal arm that fights racial discrimination through the courts and other means.

The Center for Civic Education and the Southern Poverty Law Center are just two NGOs active in HRE. There are many others, including Human Rights Education Associates (HREA), based in Cambridge, Massachusetts, a nonprofit organization whose mission is to introduce human rights concepts into general educational curricula and teaching practices. HREA works with a variety of entities, both governmental and nongovernmental, and provides assistance in curriculum development, training of professional groups, and research and evaluation.

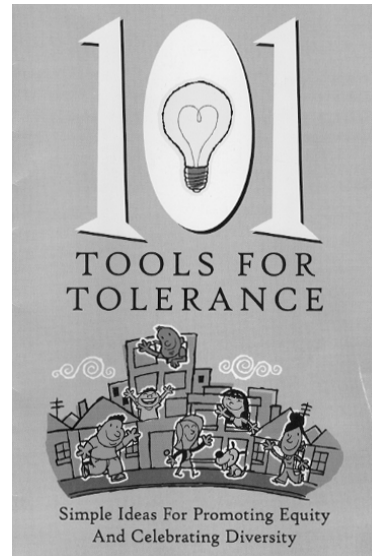
HREA also hosts and administers various listservs to facilitate networking and resource sharing among human rights activists, educators, and other professionals around the world. The Global Human Rights Education Listserv is a moderated forum on which over 2,300 members from 140 countries share new resources, methodologies and strategies.

101 Tools for Tolerance

A pamphlet popular in American schools is *101 Tools For Tolerance*, produced by the Southern Poverty Law Center. In simple, easy-to-understand language, the publication invites readers not only to promote, but also to celebrate diversity. It includes ideas for the individual, home, school, workplace and community. Suggestions include:

- Taking a civil rights history vacation and touring key sites and museums.
- Starting a pen-pal program to get in touch with people in different parts of the community, country or the world.
- Encouraging schools to provide equal resources for boys' and girls' athletics.
- Campaigning to discourage the use of divisive school emblems.

The booklet also invites readers to take a tolerance pledge. Those who take the pledge promise to examine their own biases and work to overcome them, to set a positive example for all those with whom they come into contact, and to always speak out against hate and injustice. "We share a world," the publication concludes, "For all our differences of politics, race, economics, abilities, culture, and language—we share one world. To be tolerant is to welcome the differences and delight in the sharing."



Courtesy Southern Poverty Law Center

International Human Rights Training

by Michael E. Hartmann

International awareness of human rights has resulted in a massive infusion of funded training programs, in which knowledgeable teachers come from developed countries to lesser developed, post-conflict or transitional countries. In this adapted article, Michael E. Hartmann, an international prosecutor before the Supreme Court of Kosovo working for the United Nations Mission, lays out suggested guidelines for international human rights (HR) trainers in the legal arena.

There are many different targets for human rights training. This article focuses on training for judges, prosecutors, attorneys and the police. It also focuses on the training of human rights involved in detention, arrest, judicial investigation and trial, and of the criminal justice system from police arrest to judicial verdict. Since many human rights are protected through reform of the criminal procedural codes, training in such rule of law efforts is also included.

A human rights trainer must demonstrate respect for the legal culture and law of a country by taking the effort and time to prepare the design and method of each HR training program. This requires specific knowledge of the country, either from those living in-country, or by arriving in-country in advance and then adapting materials and methods.

Who Provides HR Training?

Human rights trainers include those financed by and from many developed countries. This



Michael E. Hartmann

includes the U.S., through the State Department and Department of Justice. It also includes members of the European Union (EU), regional organizations such as the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE). International organizations such as the United Nations administer human rights training through several of its organizations, including the Office of the High Commissioner of Human Rights (OHCHR), the United Nations Development Program (UNDP) and UNIFEM-funded programs, and through the Human Rights Officers in Peacekeeping Missions.

This list must also include the many non-governmental organizations (NGOs) which provide human rights training, including the International Human Rights Law Group, Amnesty International, Human Rights Watch, ABA-CEELI and others.

Where Is HR Training Conducted and Who Receives It?

HR training occurs primarily in those countries in transition from totalitarian regimes, including post-conflict nations, the newly independent countries of the former Yugoslavia, and the Newly Independent States (NIS) of the former Soviet Union, among others.

In these countries, the judiciary—judges and prosecutors—and attorneys—and the police receive HR training. But training also includes other professionals, such as registrars, minor offenses judges (who are technically not judges under international standards of independence, and who do not handle criminal code offenses) and also employees of NGOs.

Other international participants who are performing monitoring or judicial functions should also receive HR training. In Kosovo, for example, international participants are appointed by the U.N. Mission as judges and prosecutors to perform those functions in the local court system. In East Timor and Sierra Leone, they do the same in special courts that exist within those countries that are limited to war crimes and special crimes. Such participants should be aware of how local officials are being trained and, for their part, can also give feedback to the trainers on HR issues that apply to local law and legal culture.

What Is the Substance and Nature of the Training?

Many times, HR trainers work up a presentation in their home country without properly adapting it to the country they will go to and to the audience to which they will present the pro-

gram. I recall sitting on a bus with Bosnian prosecutors in 1997 after attending their first conference since the war. Several were complaining about speakers flown in by a regional European governmental organization and the lack of any relevance to Bosnian prosecution practice. One prosecutor said “Did you notice that [he] did not mention the word Bosnia once in 30 minutes? Nor did even one of them ever bother to ask one question about our legal system here, or our problems.”

Before a HR trainer begins a program, he or she must take the time to look at how a country functions. An HR trainer must then design a training program to fit the needs of that country. Below are some guidelines that HR trainers should examine before designing such a program.

Behavior. Before starting HR training, one must think about why human rights violations happen. Sometimes this critical preparation phase is skipped, and the trainer assumes that, for example, the policeman is brutal, or the prosecutor or judge are corrupt. While some societies do have some level of police brutality and police and judicial corruption, the reasons for this behavior must be considered.

As a police officer once stated to me, “...of course we beat them. How else, Professor Michael, can we get them to confess? And without a confession, how else can we convict them? We are not like the West; in the USA you have fancy forensics and DNA testing, while here we can only afford to send the criminalistics team to even try to find fingerprints in less than 5 percent of murder and rape cases.” The same applies to the illegal practice of arresting family members, often women, and jailing them to get the suspected male family member to turn himself into the police; for there is no automated warrant system.

In many developing countries the conditions of work and pay for police, and even judges and prosecutors, are such that the temptation to take bribes or “gifts” is at least understandable. For example, time spent on the job in Pakistan for constables and patrol officers is officially 24 hours a day. In Lahore, Pakistan, the nine assistant district attorney prosecutors for serious crimes must share one small room and desk, and read their files outside in folding chairs. Pay for police in Yemen, Pakistan, Tanzania and India is so low as to tempt even honest men to solicit or accept bribes. In Kosovo, a district public prosecutor quit because he could not afford to feed his family on a salary that was less than what the U.N. paid local translators.

Motivation. In addition to addressing the legal and moral arguments relevant to human rights violations, trainers should also address the need for alternatives to confession in solving crimes. In particular, this should include training in forensics and humane psychological methods of interrogation, and more support for police training and information sharing. It also includes the need for equipment for forensics and central databases for warrants and fingerprints that are automatically checked upon any stop or arrest throughout a country.

Many European-based civil law criminal justice systems do not recognize the “exclusionary rule” (the exclusion of illegally obtained evidence) unless the evidence obtained is determined to be unreliable or obtained through involuntary confessions. After the exclusionary rule was implemented in the U.S., statistics showed only a small percentage of cases were actually affected by it, resulting in cases being lost due to the evidence being excluded. Since the *Miranda* rule (advising the accused to the right to silence and to have

counsel) was adopted in the United States, the number of confessions declined somewhat, and after training police on acceptable psychological interrogation techniques, the percentage of cases in which a confession was taken, remained the same, and in some cases actually increased.

The use of video and audio-taping of interrogations should also be encouraged to prevent false accusations of police brutality. This approach has been used successfully in the United States and elsewhere. The increase in taped statements has a self-reinforcing effect, as judges and prosecutors become more familiar with the benefits of having taped confessions.

The use of sanctions against violations of human rights by the police or prosecutors or judges should also be addressed within the context of understanding the motives for such action. This is often accomplished through the support of professional associations for the purpose of creating or renewing a professional pride, with self-training and self-enforcing disciplinary and ethical codes. This should also be in conjunction with an independent body to investigate police-involved shootings and deaths, and any in-custody deaths, a role performed by prosecutors and independent commissions in the United States.

Sometimes existing values can be used to reinforce compliance to human rights standards and the need for such disciplinary sanctions. In Yemen, for example, students at the police academy showed non-accepting body language during a lecture on human rights instruments and standards. There was, however, a noticeable change in interest when the thrust of the lecture went to the value of honor and how the honor of a police officer is diminished when the strong and numerous beat the weak, rather than

protecting them, and how shielding one's police colleague from the consequences of dishonor diminishes the honor of the police force as a whole. This line of teaching turned out to be more effective in motivating the police cadets, who wanted to think of themselves as honorable warriors against crime, than simply extolling the virtues of HR standards.

Trust. Overstating one's case is fatal in the destruction of trust and a shared value balance. This happens by giving too broad a scope to rights in general rather than focusing on those most important for the society. These mistakes can be divided into those due to a misunderstanding of the factual circumstances and those resulting from insufficient information and inexperience in normal police and courthouse practices on the one hand, and those mistakes due to a misunderstanding of the applicable human rights standards as applied to unfamiliar circumstances on the other.

In Bosnia, Egypt, India and Yemen, among other places, I have heard HR advocates argue that the delay in criminal case processing was a violation of the right to a "speedy trial" or "trial within a reasonable time." Yet these advocates had not discussed with the prosecutors and judges involved the reasons for the delays, and simply dismissed the explanations as "excuses." While the argument could be made that the lack of resources, traditional slowness and cumbersome legal procedures were a *de facto* human rights violation, it was not persuasive and, indeed, was counterproductive when so many other areas were patent violations of human rights.

Respect. Human rights trainers must know the legal differences and similarities between their home country and the host country. Otherwise, the overall systemic differences can result

in country-centric assumptions leading to embarrassing and off-putting errors that will alienate one's audience. The need to learn the specifics and demonstrate a willingness to learn the host country's specific procedures is also important. One must not make the assumption that civil law in the host country is the same or close to that of the home country. In this respect, one needs to determine the maturity of the legal culture in the host country. The solution is to prepare in advance through research, and to ask questions and listen to those who are in-country and can answer questions.

For example, in some civil law systems the prosecutor and defense must ask permission of the court before asking questions directly of the witnesses, and may simply pose questions to the judge who is free to rephrase them to the witnesses. An injured party or family of the deceased can participate or have their lawyer do so during the criminal proceedings. If the public prosecutor drops the case, they can assume the prosecution. The accused may be allowed to directly examine witnesses. The accused is not put under oath in most civil law systems. Even the common law phrase "defendant" is usually translated as "accused" and in some countries the phrase "suspect" is not a separate word from the "defendant" before the court.

HR trainers sometimes mistake their own judicial system principles as HR standards, and then insist upon applying them to the host country. This is a two-step error: the home country's principles are not all required by HR principles (although they may have protection of the rights of the accused as a goal), and the host country's judicial system must be examined in a holistic way, or one may see a violation where one doesn't exist.

In the former Yugoslavia, for example, HR trainers were shocked to find that there were absolutely no restrictions or controls on the manner and method of police interrogations of suspects, such as rights to warnings and counsel. However, the HR trainers did not understand that this was because the law did not allow any of the statements to the police to be used as evidence to convict at trial, so that the overall system did make sense, albeit by conclusively presuming all statements to the police untrustworthy for use as evidence to convict. The only statutory requirements in the criminal procedure code were time-limits by which a detained person was to be brought before an investigative judge, and a prohibition against "extorting confessions from the accused." The criminal code also prohibited extraction of statements through force, a threat or other unauthorized ways.

Guidelines. HR trainers are usually quite familiar with the conventions, standards and guidelines on human rights and, in the context of the judicial system, those which concern the rights of the accused. However, it is just as important that the HR trainer be familiar with other international instruments that deal with the rights of victims and with the underlying principles and roles of the parties involved—judiciary, police, prosecutors and defense attorneys.

Credibility as a trainer who understands the principles and professionalism of those being trained will gain great respect. One of the criticisms voiced, sometimes fairly, of HR trainers is a narrow focus on the rights of the accused and not of the need for justice for the victims, or for effective and efficient law enforcement.

Requirements. Most countries that host HR training have the same problems as more-developed countries—but in greater magnitude and seriousness. For example, the police and the judiciary usually have a lack of sufficient space, equipment, personnel, education and in-service training, and what there is, is usually in need of modernization or replacement.

Often, HR trainers will come from countries that have large budgetary and human resources. When they arrive in a host country, they often try to impose the highest of HR standards. Unfortunately, the host may not be able to afford to provide higher financial requirements and human resources.

The HR trainer should therefore be clear in his or her mind and presentation about what can be gained by using the minimum HR standards. The need to train minimum HR standards not only is due to the need for balance, but also because the hoped-for higher standards may be seen as impractical at this time by the host government, and thus rejected. Similarly, HR trainers should also pick their battles and prioritize. Decide what are the three most important issues that will most likely be accepted by the legal culture and will result in some changes. These should be emphasized, perhaps along with an additional three issues of more long-term likelihood. This method of persuasion often increases the trainer's credibility.

A related requirement for an HR trainer is to make clear which HR instruments allow specific remedies and claims by individuals affected by state action and which instruments contain obligations of the signatory states that may be monitored (e.g., by examination of state reports), but which are otherwise not enforceable.

The ECHR's compliance procedure is the most advanced and effective of the international court mechanisms for individuals who believe they were wronged by their national courts (not just accused but also victims). In addition, in teaching attorneys how to petition for relief under the ECHR (which only applies to the member states who signed the ECHR and protocols), the HR trainer can use the case precedents of the ECHR.

Fairness. Many HR standards are intended to give guidance and articulate principles. Regional and international HR norms are necessarily general in nature, since they are not intended to choose which of many national schemes are preferable; many different national schemes must fit under the umbrella. Accordingly, HR standards rarely give specifics, whether it is time limits for detention or specifics on procedures.

An HR trainer must be clear as to who or what is the authority supporting the specifics. For example, an HR trainer may be asked "How long may the police hold a person after arrest before bringing them to a judge?" Local recipients of HR training deserve to be treated with respect and fairness and should be told the source of your authority to allow them to choose the level of credibility to attribute to that source. For example, is the source the decisions of the ECHR Court in Strasbourg; the HR Committee of independent experts nominated by the State Parties to the ICCPR; the U.N. Office of the High Commissioner for Human Rights, CoE, OSCE HR, Amnesty International, Human Rights Watch, or individual law professors and other HR experts, each of which may have a different viewpoint or opinion?

One must not posit non-mandated specifics because they are believed best or because the

home country uses those specifics in its statutory schemes. In Kosovo, I witnessed some HR lawyers state that the maximum length of time before an arrestee must be brought before a judge was 48 hours. This was based upon a selection of what they considered the norm, based on what other European countries did in their law, albeit without any specifics as to which countries.

While it is a longer and less specific answer, it would have been better and legally exact to state that “the ECHR at Article 5(3) and the ICCPR at 9(3) require a person arrested to be brought ‘promptly’ before a judge. The ECHR Court has stated that four days and six hours would be too long in terrorist cases, but in other cases the Strasbourg Court has held that even four days may be too long for ordinary criminal proceedings, although it has also decided to the contrary in an earlier case.” *Brogan v. UK*, (1989) 11 EHRR 117; *Brincat v. Italy*, (1993) 16 EHRR 591; *X v. Netherlands*, Appl. 2894/66 (1966) 9 Yearbook 564; *Egue v. France*, 57 DR 47 at 70 (1988)(4 days “in principle” permissible).” As compared to the “48 hour” assertion made by the HR advocates, this more exact answer shows more respect for the local judiciary and attorneys, because it gives them all the applicable information, and allows them to come to their own decision.

One must not assume a violation of an HR standard requires the most severe sanction or remedy, even though one would prefer it and believes it would be the most effective way to deter action. If the national law allows the use of evidence obtained illegally, that evidence, if reliable, may still be allowed under HR standards to be used in court without the remedy or sanction of exclusion from trial, subject to some safeguards.

Balance. HR trainers may get a more positive response from law enforcement officials, prosecutors and judges if they acknowledge the need for a reasonable balance between the protection of the accused and of the victims and society. Most legislation, and indeed, the specifics of international HR standards, are arrived at after much negotiation, and involve a balancing of these interests. While harmonization is always possible, it is inevitable in some areas of procedure, that the effectiveness of law enforcement is affected negatively by increasing the protections of the accused.

There is a growing need to focus on the rights of the victims, e.g., domestic and sexual violence against women and children. Especially in the context of peacekeeping missions as well as post-conflict countries, the balance between human rights for the accused and security for victims must result in the initial imposition of minimum HR standards. The U.N.’s Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power affirmed these rights, albeit without any specificity.

Likewise, to preserve credibility, the HR trainer must acknowledge efforts to develop special procedural tools to ensure effective investigation and prosecution against organized crime, terrorism, drug and human trafficking, and war crimes, and attempt to harmonize these tools with human rights standards.

Legislation. In some cases, HR trainers are also asked, or desire, to work on corrective legislation. There is no greater danger than well-intentioned legislation inartfully drafted, however. Intervention even in the name of the most significant human rights must be done professionally, otherwise the immediate harm will be outweighed by the long-term damage to the credibility of other HR training in the future.

John Austin, writing in the journal *Jurisprudence*, says “What is commonly called the technical part of legislation, is incomparably more difficult than what may be styled the ethical. In other words, it is far easier to conceive justly what would be useful law, than to construct that same law that it may accomplish the design of the lawgiver.” This means that drafting legislation is not for well-meaning amateurs. Among the preconditions for effective legislative reform that I have witnessed when both present and absent include:

Both international and local judicial and police officials have different experience bases: the locals know their law and societal conditions, and the internationals will have a fresh eye and be able to “think out of the box,” precisely because they are not part of that legal culture, and thus often will not accept restraints or procedures because that is how they have always been.

Besides the need for balanced legislation in which all legitimate concerned interests have “ownership,” the demand and fight for the “perfect” law may prevent the adoption of the “good” law. Where the existing legislation and HR protections are not “good,” and the fight for “perfect” imperils the possibility of achieving legislative reform soon, then “good” should be enough. For example, in Bosnia, the CoE’s International Team of Experts on the ground split on recommending the International Community’s (IC) support for the pending criminal law and procedure reforms because one member did not believe the draft legislation went far enough in protecting human rights, even though all agreed it was far better than the status quo law. That opposition would significantly delay the eventual reform, but the argument for the

“good” won out over those who wanted the “perfect.”

Civil Society. HR trainers need to emphasize to the various groups with which they are working that what is needed is a united effort in support of human rights legislation, training and guarantees in the law enforcement and judicial arenas, which also include the ability and will to investigate and prosecute HR abuses, especially when the police or government officials are those committing the abuses.

In Tanzania, the human rights and women’s NGOs, police, prosecutors and judges met to come up with common plans for the treatment, counseling, investigation and prosecution of sex crimes and domestic violence, which resulted in agreements for referrals by the police and prosecutors to the NGOs to provide victim counseling and support. The NGOs agreed to counsel the victims that it was in their best interest to contact the police and courts. NGOs also agreed to support the victims during these procedures. The press provided education as to the protective options provided by the NGOs and the issues of domestic violence and rape. In this way, these disparate elements found common interests which met all of their goals.

When giving HR training, one should be aware of and remind such organizations as NGOs, bar associations, the press, and even the police and judiciary, of the HR pay-off in the struggle to become a functioning civil society. The benefit of being in such a society imposes corresponding responsibilities, and with effort, energy, stubbornness, and a willingness to work together and to find common interests, positive change is indeed possible.

B i b l i o g r a p h y

Further Information on Human Rights Education Themes

Amnesty International

First Steps: A Manual for Starting Human Rights Education. London: Amnesty International, 1996.

The full text of this comprehensive primer for human rights education is also available online in Albanian, English, Hungarian, Russian, Slovak, Slovenian and Ukrainian at:
http://erc.hrea.org/Library/First_Steps/index.html

Amnesty International Educators' Network

Amnesty International Educators' Network Human Rights Education Resource Notebooks. New York: Amnesty International Educators' Network, 1997.
A collection of human rights education curricula in specific topic areas, including women's human rights, children's rights, religion, race and ethnicity, indigenous peoples and the death penalty.

Andrepoulos, George J., and Richard Pierre Claude, eds.

Human Rights Education for the Twenty-first Century. Philadelphia: University of Pennsylvania Press, 1997.
A comprehensive overview of human rights education, including sections on theories and contexts, approaches to teacher training, college and adult education, specialized training for professionals, community-based and nonformal human rights education, and resources and funding.

Bernstein Tarrow, Norma, ed.

Human Rights and Education. New York: Pergamon Press, vol.3, Pergamon Comparative and International Education Series, 1987.

Brown, Margot

Our World, Our Rights: Teaching About Rights & Responsibilities in the Elementary School. New York: Amnesty International USA, 2000.
Offers innovative strategies and activities for teaching about the United Nations Declaration of Human Rights (UDHR) in elementary school. Activities address human rights in the family, the classroom, the school and the wider community.

Center for Social Development and Humanitarian Affairs

Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice. New York: United Nations, 1992.
The principal international instruments in addition to the mainstream human rights instruments which are of interest when training a judicial audience.

Center for the Study of Human Rights

Twenty-five Plus Human Rights Documents. New York: Center for the Study of Human Rights, Columbia University, 2001.

Claude, Richard Pierre

The Bells of Freedom. Addis Ababa: Action Professionals Association, 1995.

A resource curriculum with resource material for facilitators of nonformal education and 24 human rights "echo sessions." Available in English, French, Japanese, Amharic and Creole.

Text is available online at:

<http://www1.umn.edu/humanrts/education/belfry.pdf>

The French language version is accessible at www.civnet.org—under the title *Manuel de formation, destine aux animateurs de sessions de reflexion sur les droits de l'homme*.

Claude, Richard Pierre

Methodologies for Human Rights Education. New York: Peoples Decade for Human Rights Education, 1997.

A practical introduction to human rights education pedagogy, including an essay on the right to know one's rights, a guide to curriculum planning, suggestions for educating for empowerment and targeting user-groups, and methodologies for evaluation.

Text is available online at:

<http://www.pdhre.org/materials/methodologies.html>

**Dupont, Lori, Joanne Foley
and Annette Gagliardi**

Raising Children with Roots, Rights & Responsibilities: Celebrating the Convention on the Rights of the Child. Minneapolis, MN: Human Rights Resource Center, 1999.

An interactive curriculum to introduce both parents and their pre-school children to the rights of the child. Emphasizes problem solving, critical thinking and citizenship skills, and builds ethical awareness and self-confidence in both children and families.

Fisher, Elizabeth and Linda Gray MacKay

Gender Justice: Women's Rights Are Human Rights. Cambridge, MA: Unitarian Universalist Service Committee, 1996.

A study/action guide based on the Beijing Platform for Action from the United Nations Fourth World Conference on Women.

Flowers, Nancy, ed.

Human Rights Here and Now: Celebrating the Universal Declaration of Human Rights. Minneapolis, MN: Human Rights Resource Center; University of Minnesota, 1997.

Text available online at: <http://www.hrusa.org/hrh-and-n/default.htm>

**Flowers, Nancy with Marcia Bernbaum,
Kristi Rudelius-Palmer and Joel Tolman**

The Human Rights Education Handbook. Minneapolis, MN: Human Rights Resource Center; University of Minnesota, 2000.

A primer for human rights education that includes background information, strategies for teaching human rights, and activities for a variety of ages and situations. Text is available online at:

<http://www.hrusa.org/hrmaterials/hreduseries/hrhandbook1/toc.html>

**Harris, D. J., M. O'Boyle
and C. Warbrick**

Law of the European Convention on Human Rights. London: Butterworths, 1995.

The best source of law on the European Convention on Human Rights (ECHR) and for guidance in interpreting the same language of the ICCPR.

Contains the most balanced discussion between rights of the accused and the rights of victims and needs of effective law enforcement.

Martin, J. Paul

The Design and Evaluation of Human Rights Education Programs. New York: Columbia University, Center for the Study of Human Rights, 2000.

Martin, J. Paul

Self-help Human Rights Education Handbook. New York: Center for the Study of Human Rights, Columbia University, 1996.

A practical guide to program planning and curriculum development for human rights.

**Mertus, Julie, with Nancy Flowers
and Mallika Dutt**

Local Action, Global Change: Learning About the Human Rights of Women and Girls. New York: United Nations Development Fund for Women (UNIFEM) and The Center for Women's Global Leadership, 1999.

Includes substantive information about the human rights of women in such areas as violence, health, reproduction and sexuality, education, the global economy, the workplace and family life. Each chapter connects the discussion to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to the Beijing Declaration and Platform for Action and other international agreements.

Nuclear Age Peace Foundation

Your Place in the World: Human Rights and Responsibilities. Santa Barbara, CA: Nuclear Age Peace Foundation, 1998.

A curriculum that addresses issues of tolerance affecting high school students in their communities by guiding students to define human rights and formulate their own ideas of rights and responsibilities.

**O'Brien, Edward, Elena Green
and David McQuoid-Mason**

Human Rights for All. St. Paul, MN: West Educational Publishing, USA, 1996.

An innovative and comprehensive curriculum for high school students that lays a foundation in human rights law and concepts, and challenges students with difficult questions.

**Office of the High Commissioner
for Human Rights**

ABC, Teaching Human Rights: Practical Activities for Primary and Secondary Schools. New York: United Nations, 2000.

The new edition of this introduction to human rights education emphasizes the UDHR and the Convention on the Rights of the Child. Text is available on line at:

<http://www.unhchr.ch/html.menu6/2/abc.htm>

People's Decade for Human Rights Education

Learning, Reflecting and Acting: 149 Activities Used in Learning Human Rights. New York: People's Decade for Human Rights Education, 1996.

Text available online at:

<http://www.pdhre.org/materials/learning.html>

Reardon, Betty A.

Educating for Human Dignity: Learning About Rights and Responsibilities. Philadelphia: University of Pennsylvania Press, 1995.

Taking a developmental approach to human rights education, each chapter discusses the learner's skills and conceptual level at a particular age and offers examples of age-appropriate lessons. The introduction provides a theoretical basis for education for human rights and civic responsibility. Also available in Arabic.

Reichel, Philip L.

Comparative Criminal Justice Systems, A Topical Approach. New Jersey: Prentice Hall, 1999.

Superior outline and discussion on major criminal justice systems in the world, illustrating the major similarities and differences; excellent for human rights practitioners to become aware of how other criminal justice systems differ from their own, to prevent country-centric assumptions.

Reid, Karen

A Practitioner's Guide to the European Convention on Human Rights. London: Sweet & Maxwell, 1998.

Excellent for non-lawyers, as laid out by general topics, rather than by sections and subsections of the convention.

**Seidman, Ann, Robert Seidman
and Nalin Abeyesekere**

Legislative Drafting for Democratic Social Change: A Manual for Drafters. Cambridge, MA: Kluwer Law International, 2001.

The best book for use in assisting transitional or post-conflict countries in legislative change.

Shelton, Dinah

Remedies in International Human Rights Law. New York: Oxford University Press, 1999.

Excellent, albeit detailed and technical legal discussion of remedies and sanctions in favor of individuals who have had their human rights violated by international or domestic law.

Shiman, David

Teaching Human Rights. Denver, CO: Center for Teaching International Relations, 1999.

This thought-provoking activity book makes students aware of issues of justice and rights, encourages cross-cultural comparisons and challenges students to define their own values and consider how they could contribute to a better world.

Starmer, Keir

European Human Rights Law. London: Legal Action Group, 1999.

Demonstrates the view of an activist for human rights, by a lawyer involved in litigation before the European Convention on Human Rights (ECHR).

Tibbitts, Felisa

Evaluation in the Human Rights Education Field: Getting Started. The Hague: Netherlands Helsinki Committee/HREA, 1997.

Text is available online at:

<http://www.hrea.org/pubs/EvaluationGuide/index.html>

Tibbitts, Felisa

"Human Rights Education in Schools in the Post-Communist Context," in *European Journal of Education* (Vol. 29, No. 4), 1994, pp. 363-76.

United Nations

Basic Principles on the Independence of the Judiciary, Seventh U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985, U.N. Doc. A/CONF. 121/22/Rev. 1 at 59 (1985).

United Nations

Basic Principles on the Role of Lawyers, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF. 144/28/Rev. 1 at 118 (1990).

United Nations

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth U.N. Congress on the Prevention of Crime and the Treat-

ment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF. 144/28/Rev. 1 at 112 (1990).

United Nations

Body Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. General Assembly resolution 43/173 of 9 December 1988.

United Nations

Code of Conduct for Law Enforcement Officials, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979).

United Nations

Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power. General Assembly resolution 40/34 of 20 November 1985.

United Nations

Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, Economic & Social Council Resolution 1989/61, 15th plenary meeting, 24 May 1989.

United Nations

Guidelines on the Role of Prosecutors, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF. 144/28/Rev. 1 at 189 (1990).

United Nations

International Convention on Civil and Political Rights. Gen. Assembly Res. 2200 A XXI of 16 Dec. 1966; entry into force 23 March 1976. U.N.T.S. No. 14668, vol. 999 (1976), p.171.

United Nations

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). Adopted by General Assembly resolution 45/119 of 14 December 1990.

Internet Sites on Human Rights Education

Amnesty International: Human Rights Education

<http://www.amnesty-usa.org/education/>

A variety of materials and links from Amnesty International, including their latest booklet, *September 11th Crisis Response Guide* and *The Fourth "R"*, Amnesty's human rights education newsletter.

Annotated Human Rights Education Bibliography

http://soros.org/fmp2/html/bib_intro.html

Provided by the Soros Foundation, this comprehensive bibliography has articles, books, reference materials, professional training institutions and media information on human rights education. Also includes a Spanish-language list of resources.

Annotated Primer for Selecting Democratic and Human Rights Education Teaching Materials

<http://www.hrea.org/pubs/Primer/index.html>

Annotated primer by Felisa Tibbitts, the director of Human Rights Education Associates (HREA). Russian version also available at:
<http://www.hrea.org/pubs/Primer/ru/index.html>

Center for the Study of Human Rights (CSHR)

<http://www.columbia.edu/cu/humanrights/>

Pioneered at Columbia University, CSHR promotes human rights research, education and training, and has distinguished itself through its interdisciplinary approach to human rights.

Human Rights Education Associates (HREA)

<http://erc.hrea.org/>

An international nongovernmental organization that supports human rights learning; the training of activists and professionals; the development of educational materials and programming; and community-building through on-line technologies. The HREA Library (<http://hrea.org/erc/Library/>) lists sourcebooks, standards, glossaries, U.N. documents, treaties and general reference works, with a special section on human rights education bibliographies (<http://erc.hrea.org/Library/bibliographies/index.html>).

Human Rights Internet (HRI)

<http://www.hri.ca/welcome.cfm>

Provides access to resources including an online library of human rights documents and directories to human rights education programs, syllabi and textbook profiles.

Human Rights Organizations and Resources

<http://erc.hrea.org/Links/>

Extensive list of worldwide links to organizations involved in the study and teaching of human rights.

Human Rights Resource Center

<http://www.hrusa.org/default.htm>

Working in partnership with the University of Minnesota, the Human Rights Resource Center has HRE resources produced by nonprofit organizations and independent publishers, including more than 50 curricula, guides, videos, documents and other educational aids.

National Center for Human Rights Education (NCHRE)

<http://www.nchre.org>

Provides educational programs for community groups, nonprofit organizations, schools and universities, helping individuals to appraise their efforts in the context of the global human rights standards, through introductory and intensive training workshops and educational resource materials.

The People's Decade of Human Rights Education (PDHRE-International)

<http://www.pdhre.org>

A nonprofit, international service organization that works directly and indirectly with its network of affiliates—primarily women's and social justice organizations—to develop and advance pedagogies for human rights education relevant to people's daily lives in the context of their struggles for social and economic justice and democracy.

Teaching Human Rights Online

<http://www.oz.uc.edu/thro/index.html>

Contains critical thinking exercises for individual learning, collaborative problem-solving assignments

for student teams and conferencing tools for international education online.

UNESCO Education Web Site

<http://www.unesco.org/education/index.shtml>

UNESCO's action in education is shaped around three strategic objectives: Promoting education as a fundamental human right; Improving the quality of education; Promoting experimentation, innovation and the diffusion and sharing of information and best practices as well as policy dialogue in education.

UNESCO Final Report of the Fifth Session of the Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance

http://www.unesco.org/education/hci/final_report.htm

UNHCR Teachers' Resources

<http://www.unhcr.ch/teach/tchhr/tchhr.htm>

Tools for teachers on human rights and other subjects relevant to refugees and asylum from the United Nations High Commissioner for Refugees (UNHCR).

University of Minnesota: Human Rights Library

<http://www1.umn.edu/humanrts/>

Thousands of links to human rights documents, search engines, mirror sites and much more. Site is also available in French, Spanish and Russian.

U.S. Department of State Country Reports on Human Rights for 2001

<http://www.state.gov/g/drl/hr/c1470.htm>

The annual report presents human rights conditions throughout the world.

Issues of Democracy, IIP Electronic Journals, Vol. 7, No. 1, March 2002

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